

REMARKS

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The Application as examined included claims 95, 97, 99 – 103, 105 – 119, 122 – 125 and 127 - 137. Claims 1 – 94, 96, 98, 104, 120 – 121 and 126 have been cancelled. Claims 109, 110, 112 – 119, 125, 127 and 128 have been withdrawn.

In the present response, the pending claims are maintained.

Claims 95, 97, 99 – 103, 105 – 108, 111, 122 – 124 and 129 - 137 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,590,372 (hereinafter “Harold”) in view of U.S. Patent Nos. 5,976,386 and 6,132,628 (hereinafter “Barak”).

Applicant expresses appreciation to Examiner Nathan W. Schlientz for the courtesy of an interview, which was granted to Applicant and Applicant’s representative, Sanford T. Colb (Reg. No. 26,856). The interview was held in the USPTO on October 19, 2010. The substance of the interview is set forth in the Interview Summary mailed October 22, 2010.

At the interview on April 29, 2010, the differences between Harold and the presently claimed invention were discussed. The Interview Summary states, in relevant part, "Dr. Barak discussed why the pH of the composition disclosed by Harold is acidic, and why the disclosure teaches that Harold did not react sodium hypochlorite with ammonium carbamate. Applicant will provide these arguments in the form of a 131 declaration. In view of the discussion and pending the submission of the aforementioned declaration setting forth Applicant's arguments, the elected species are distinguished over the prior art of record." For clarification, it is assumed that the reference to "sodium hypochlorite" should have read --chlorine--.

With respect to Harold, cited in the Office Action, Applicant respectfully responds as follows:

Harold discloses the production of "chloramines" by reacting chlorine with ammonium salts (page 1, lines 27 – 30). Harold also discloses that the ammonium salt can be ammonium carbonate, together with its usual impurities ammonium bicarbonate and ammonium carbamate (page 1, lines 82 – 86).

Applicant maintains however that the reaction solutions disclosed in Harold are acidic, and thus cannot contain any ammonium carbamate, which is not stable under acidic conditions. Applicant also maintains that the compounds produced in Harold are not monochloramines, but rather the compound nitrogen

trichloride is produced. In support of this contention, we submit herewith the declaration of Inventor Dr. Ayala Barak.

Accordingly, since Harold could not have produced a chloramine from ammonium carbamate, a person of skill in the art would not look to Harold in order to select ammonium carbamate as the ammonium salt in the invention of Barak. Furthermore, since Harold produced his product under acidic conditions, and Barak discloses biocides produced under alkaline conditions, there is no motivation to combine the teachings of Harold and Barak.

In view of the foregoing, Harold in view of Barak does not render the presently claimed invention obvious.

Claims 95, 97, 99 – 103, 105 – 108, 111, 122 – 124 and 129 - 137 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 22 of US 5,976,386 (hereinafter '386) in view of Harold. Claims 95, 97, 99 – 103, 105 – 108, 111, 122 – 124 and 129 - 137 also stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 23 of US 6,132,628 (hereinafter '628) in view of Harold.

The Examiner states that the presently claimed invention is not patentably distinct from the inventions claimed in '386 and '628 since, although '386 and '628 do not claim that the amine source is ammonium carbamate, Harold discloses ammonium carbamate as a suitable amine source for the same purpose.

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Applicant maintains that, for the reasons stated above, Harold does not disclose the production of a chloramine from ammonium carbamate, and therefore, a person of skill in the art would not look to Harold in order to select ammonium carbamate as the amine source for the inventions disclosed in '386 and '628. Accordingly, the claims of the present application are patentably distinct from the claims of '386 and the claims of '628.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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